REMARKS

Claims 1-10 remain pending in this application for which applicant seeks reconsideration in light of the telephonic interview held 30 April 2008.

Interview

Applicant thanks the examiner granting the interview, during which § 101 & § 112 rejections were discussed, as well as the IDS acknowledgements lacking examiner's initials.

First, the undersigned informed the examiner that the copy of the past two return copies of the IDSs had no examiner's initials. The examiner confirmed that both IDSs were considered. So that the considered references properly appear in the cover page of any patent granted based on this application, applicant requests the examiner to initial them (and forward copies with the next Office Action).

Second, the examiner confirmed that only the apparatus claims 1-8 were meant to be rejected under 35 U.S.C. § 101, 112. As to the rejection of claims 1-8, the examiner clarified that these claims were rejected on the premise that the present disclosure fails to disclose any structure, namely the hardware for running a computer program. The undersigned point out that the specification clearly discloses a hardware configuration in Fig. 4 and pages 16 (bottom) and 19 (middle) of the specification. The examiner agreed that the present disclosure indeed discloses a hardware configuration, and that the pending claims will likely overcome the § 112 rejection and the § 101 rejection.

Third, the examiner, however, indicated that the term "controller" does not appear in the specification. In this respect, the undersigned explained that a controller is a generic term for a processor or CPU programmed to carry out specific instruction. The term controller is so well known that it need not be explicitly recited in the specification because all processors or computers become controllers when programmed. The reason why the claims are recited as a controller as opposed to a processor is that the processor in itself does not execute any function. Rather, it is when a program runs the processor that it becomes a specialized device or a controller. In this respect, the term controller is appropriate.

Indeed, the examiner should perhaps consider some of the recent patents that issued containing the term "controller" in the claim, but not explicitly recited in the specification, as in the present situation. A search at the PTO website using the search terms "ACLM/controller ANDNOT SPEC/controller" revealed over 12,000 patents that contain the term "controller" in the claim, but not explicitly recited in the specification. Out of these 12,000+ patents, at least 38 of them are directed to an electronic musical instrument all containing the term "controller" in the

claim(s) but not explicitly recited in the specification. While the undersigned has not reviewed each of them, five most recent patents among the 38 patents, namely USPs 7,342,168; 7,194,686; 7,105,735; 7,009,942; and 6,928,060, all indeed reveal that the term "controller" appears only in the claim, while the specification refers to a CPU without using the term "controller."

Applicant submits that the term controller is a generic expression for a programmed CPU or processor. In this respect, applicant submits that the term "controller" does not introduce new matter or create any antecedent problem.

Art Rejection

Claims 1-10 were rejected under 35 U.S.C. § 102(b) as anticipated by Matsumoto (USPGP 2001/0023633) because the examiner did not give weight to the last amendment due to the § 101 and § 112 rejections. In essence, the examiner tied the § 102 rejection with the § 101 and § 112 rejections.

Applicant submits that the § 101 and § 112 rejections have been rendered moot for the foregoing reasons. Moreover, applicant submits that Matsumoto simply would not have disclosed or taught controlling the display in a particular manner set forth in independent claims 1, 6, 9, and 10. Specifically, the pending independent claims each call for apportioning the measures for each of the staff tiers so that each of the measures is positioned only on a single staff tier and not spanning across multiple staff tiers. Matsumoto simply fails to disclose or teach at least the apportioning feature described above.

Conclusion

Applicant submits that claims 1-10 patentably distinguish over the applied reference and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicant urges the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

ROSSI, KIMMS & McDOWELL LLP

09 JUNE 2008
DATE

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